



**MINUTES OF SPECIAL JOINT MEETING OF THE  
CITY COUNCIL/REDEVELOPMENT AGENCY OF  
THE CITY OF HAYWARD**  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, June 25, 2002, 8:00 p.m.

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**MEETING**

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Dowling.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,  
Rodriguez, Ward, Dowling, Henson  
MAYOR/CHAIR Cooper  
Absent: None

**PUBLIC COMMENTS**

Jim Drake spoke in support of the Route 238 freeway bypass

John Kyle commented on the Council's compensation. He indicated that he would be continuing his comments at further meetings.

Hafiz Tarin owns a business at 1019 B Street. He asked to rescind the bill he received from Community Preservation. Mayor Cooper asked staff to assist him.

Bill Maxedon discussed Waste Management of Alameda County and the fact that a call to them from Fairway Park is a toll number. He also asked that a telephone pole located across from his home be removed. It was damaged in a fire and no one wants to take responsibility for it. He then discussed the improved bus stop at Fairway and Mission. The Mayor said staff would look into these issues for him. Lastly, he commented on the poor condition of the Albertson's at Fairway Park. He suggested it be looked at for refurbishing and improvements. In response, it was noted that there is an upcoming meeting scheduled at City Hall on July 8 with Albertson's to discuss both the Southland and Fairway Park stores.

Jason Moreno thanked staff for clearing the vacant lots that he previously reported.

Steve Amaral reported his concerns regarding the trucks being used as storage units at Seaside near his home. He asked that staff look into their conditions of approval.

Beatrice Thornton expressed her concerns with HAPA regarding the bypass.

Barbara Swarr spoke on the businesses and homes that will be impacted by the proposed bypass alternate.

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## CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of June 18, 2002

It was moved by Council/RA Member Ward, seconded by Council/RA Member Henson, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of June 18, 2002.

2. North Walpert Reservoir Intertie and Seismic Upgrade: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated June 25, 2002, was filed.

Ron Barklow asked why the project was exempt from CEQA, and had various other questions about the proposal.

City Manager Armas read the answers to his questions from the staff report.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-092, "Resolution Approving Plans and Specifications for the North Walpert Reservoir Intertie and Seismic Upgrade, Project Nos. 7149 and 7150 and Call for Bids"

3. Water Main Replacement Project at Various Locations - Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated June 25, 2002, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-091, "Resolution Approving Plans and Specifications for the Water Main Replacement Project at Various Locations Project No. 7014, and Call for Bids"

## HEARINGS

Because Ms. Nazareth left the room for a few minutes, Item 5 was taken out of order.

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4. Weed Abatement Hearing for Teresa Nazareth, 21550 Foothill Boulevard (*continued from 6/4/02*)

Staff report submitted by Senior Community Preservation Inspector Mork, dated June 25, 2002, was filed.

Neighborhood and Economic Development Manager Bauman provided the report noting the time frame for clearing the property. She commented that the fees included failed inspection fees.

Council Member Henson asked whether the weeds were mixed in with the refurbishing. He was told that it is particularly important to keep the site clean because of additional debris on the site.

Council Member Dowling asked if there had been a prior complaint on this property. Staff noted that the year after a citation, the City sends a courtesy notice two months before fire season begins to warn property owners that it is weed abatement season and they must cut their weeds by a certain date.

Mayor Cooper opened the public hearing at 9:01 p.m.

Teresa Nazareth and son discussed the time frame regarding the notices she received and the clean up. Her son reported that there was temporary fencing because of the rehabilitation on the property. He noted that his mother spent over \$200,000 on refurbishing the property, and he believed the fines should be forgiven.

Mrs. Nazareth responded to questions from the Council. Council Member Henson said he went to the property and was interested in the time-line for clearing the property. It was noted that she purchases properties that are usually in rather poor condition and then refurbishes and upgrades the dwellings.

Mayor Cooper closed the public hearing at 9:13 p.m.

Council Member Dowling commented that the house looks great right now. He said the City appreciates all of the work that she has been doing to upgrade older homes. However, it is important for her to understand that this is not acceptable.

Council Member Henson said that it was Council who directs staff to make sure unsightly properties are noted. He then indicated that he was unsure of the time-line in relation to when he visited the cleared property.

It was moved by Council Member Dowling, seconded by Council Member Hilson, and carried

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by the following roll call vote to uphold the lien and accept the resolution re-confirming the Report of the Enforcement Officer for Weed, Rubbish and Litter Abatement, from June 4, 2002, Resolution 02-081.

AYES: Council Members Jimenez, Hilson, Rodriquez,  
Ward, Dowling,  
MAYOR Cooper  
NOES: Council Member Henson  
ABSENT: None  
ABSTAINED: None

## **LEGISLATIVE BUSINESS**

### **5. Status Report on Clearbrook Highlands**

Staff report submitted by ASLA Carranza, dated June 25, 2002, was filed.

Council Member Henson recused himself as he resides in this neighborhood.

Director of Community and Economic Development Ehrenthal made the staff report, noting the public meeting that was held to resolve the issues. There were three outstanding issues. There is an interior landscape area that needs further drainage. Water continues to seep from a spring that comes out of the hillside. The developer is proposing a French drain for the area, not the most attractive solution and it might not work. However, it appears to be working at this point, and the developers say they will cover it and perhaps landscape around it. The next issue is a large construction staging area near the entrance of the Oakhill Apartment complex. The developer has returned the property to the complex. He indicated that they would hydroseed the area. Staff recommends a complete landscape and irrigation system. A final acceptance walkthrough will be done with staff, the developer and representatives of the homeowners' association within sixty days.

Council Member Dowling asked how that above-ground irrigation system was approved. He was told that a staff member, no longer with the City, approved it as a temporary measure. However since it was approved on the plans, the City had no option but to accept them.

Council Member Hilson asked whether the developer is working towards an acceptable resolution and asked if staff has other issues.

City Manager Armas said the developer is moving in the right direction. However, the City is still holding the bonds worth more than a million dollars until final approval is given.

Council Member Hilson then suggested that in the future, staff consider setting standards on our applications and, in particular, the conditions of approval.



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Council Member Ward asked about the landscaping, watering, and maintenance.

Director of Community and Economic Development Ehrental indicated that the developer will landscape and the owner will maintain the property.

Mayor Cooper opened the public hearing at 8:51 p.m.

Jim Bray spoke on behalf of the homeowner's association. He concurred with the three items but also added that the front yard landscaping on Lot 16 is in need of work. He asked that another progress report be made in 60 days.

Mayor Cooper asked that staff keep Council apprised, and perhaps do an update in September.

Mayor Cooper closed the public hearing at 8:54 p.m.

6. Public Safety Plan for July 4, 2002

Staff report submitted by Patrol Captain Ribera, dated June 25, 2002, was filed.

Deputy Police Chief Houghtelling and Fire Chief Arfsten made the staff report. They thanked the Public Works Department for installing the signs at the City limits, and those of the Fairview Fire area. The Fire Department chose the entry points carefully since education, prevention and intervention are the main features of this program. Further information will be disseminated through the cable television outlet and press releases. He noted that nine additional firefighters would be staffed on the 4<sup>th</sup> of July. He noted that a plan was developed through the mutual aid coordination in the County with surrounding jurisdictions. These can minimize effects on city residents.

Council Member Dowling said it was great that they are being proactive. He then asked for information about the fine from Deputy Chief Houghtelling. He commented on the flyers that went out before the end of school. He indicated that he would like to see a report after the actual day. He then asked about a citywide fireworks display and perhaps joining together with other cities in the area to sponsor them.

City Manager Armas said the last fireworks display that he remembers was in the late 80's. That one was sponsored and paid for by a potential developer. He noted that pyrotechnics are extraordinarily expensive. He commented that, depending on where you are in the City of Hayward, you could see the Coliseum fireworks. He noted that the next budget cycle might be an appropriate time to discuss this.

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Council Member Henson commented that there might be confusion between the legality of buying fireworks just outside the city limits in Union City where there are sales booths. He asked how the City of Hayward could prevent Hayward residents from buying fireworks there and bringing them back. He was told that the City of Union City is now requiring residents to show identification that they live within the City in order to buy fireworks. He also asked about gun firing. He expressed concern about pinpointing their origin and asked if a helicopter could be used.

Chief Arfsten explained that the extra apparatus is primarily for the hill areas in order to contain any fires in the hills. He noted that East Bay Regional Park District does have a helicopter, but it is usually used during the day. He then added that he and a number of Chiefs would be working on the 4<sup>th</sup>, even though it is his 10-year wedding anniversary.

Council Member Ward discussed firework activities up in his neighborhood, and the high weeds, which have not been cleared. He suggested informing people in those areas of the illegality of fireworks.

Council Member Hilson asked how other communities in the area still selling fireworks exacerbates the problem. He was told that it does create problems and makes it much more difficult because of the mixed messages it sends to people.

Fire Chief Arfsten added that there is no such thing as safe and sane fireworks. He added that the 4<sup>th</sup> of July comes within the fire season.

Council Member Jimenez agreed that there is no such thing as safe fireworks and added that he appreciates this program.

Mayor Cooper opened the public hearing at 9:39 p.m.

Jason Moreno commented that non-profit organizations use the revenues for social programs. He would like to see firearms outlawed as well. He added that perhaps, the City might work with the community to develop a safe area in which to gather and use their fireworks in a controlled area.

Mayor Cooper closed the public hearing at 9:40 p.m.

## 7. Selection of Mayor Pro Tempore

Staff report submitted by City Clerk Reyes, dated June 25, 2002,  
was filed.

Mayor Cooper presented Council Member Dowling with a plaque for his year of service as Mayor Pro Tempore.



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There were no requests to speak.

Council Member Jimenez commented that over the years he has been the highest vote getter, and has only served two terms as Mayor Pro Tempore in those years.

Council Member Henson discussed the rotation stating that the next member to serve is Council Member Rodriquez. He proposed the nomination, which was approved by acclamation.

Council Member Rodriquez indicated that she was looking forward to the term and asked for the support of all the members of the Council.

To make the nomination official, it was moved by Council Member Henson, seconded by Council Member Dowling, and carried, with Council Member Rodriquez abstaining, to adopt the following:

Resolution 02-094, "Resolution Authorizing the Election of Mayor  
Pro Tempore of the City of Hayward for 2002-2003"

## COUNCIL REPORTS

Council Member Henson attended a technology committee meeting in Washington, D.C., with the National Task Force on Interoperability, regarding the ability of public safety entities to communicate on appropriate spectrum. He represents the City of Hayward, local governments, and the National League of Cities on that Task Force. He reported that this committee plans to produce a white paper related to homeland security following the September meeting. One of their concerns is the need for additional "Spectrum" from FCC for local emergency services. This is really a life and death issue in light of September 11<sup>th</sup>. He noted that critical budgetary decisions will be made in the near future and he hopes to schedule a committee meeting in Hayward.

Council Member Ward reported that he and Council Member Dowling attended a conference in San Francisco sponsored by the Congress for the New Urbanism, an international organization. This was to promote good design for urban infill structures. The City of Hayward was a recipient of an award for the City's Redevelopment Plan and will be receiving it formally shortly.

Council Member Hilson reported that last Thursday, the East Bay Division of the League of California Cities met to discuss efforts to keep the State from taking more monies from cities. He noted that there is a coalition to seek the support of other organizations in the area to join in this effort. This month they invited the Chambers of Commerce to assist in this effort.

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## **ADJOURNMENT**

Mayor Cooper adjourned the meeting at 9:52 p.m.

**APPROVED:**

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Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency

**ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward  
Secretary, Redevelopment Agency